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Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: United Nations Convention against Transnational Organized Crime

Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Report of the Secretariat

I. Introduction

1. In its resolution 6/1, entitled "Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, inter alia, urged States parties to promote, within the United Nations system, a strategic, proactive and holistic response to transnational organized crime, and requested the Secretariat to submit to the Conference, at its seventh session, a report on measures taken to implement that resolution and to mainstream responses to transnational organized crime into the work of the United Nations system.

2. The present report provides information on national strategic, proactive and holistic responses to transnational organized crime, and is intended to complement the background documentation for the seventh session of the Conference that relates to the activities of the United Nations Office on Drugs and Crime (UNODC) to promote and support the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.[1]

* CTOC/COP/2014/1.

[1] In particular documents CTOC/COP/2014/3, CTOC/COP/2014/4, CTOC/COP/2014/5, CTOC/COP/2014/10 and CTOC/COP/2014/11.

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3. While transnational organized crime takes on many forms and presents a diverse set of challenges, which can vary greatly between States and regions, organized criminal groups and their activities share a number of characteristics. Such groups are often flexible, dynamic, innovative and resilient; they adapt and respond quickly to law enforcement measures, easily identifying new markets, commodities, routes and methods of operation, forming new alliances when necessary and engaging in a growing range of illicit activities.

4. The result of that situation is a complex and volatile transnational threat. Those who create strategies against transnational organized crime must strive to develop proactive responses that are as flexible and dynamic as the activities of the criminal groups. That, in turn, requires the development of capacities to gather and analyse information to monitor trends, emerging threats and the impact of organized crime, as well to devise prevention strategies and countermeasures.

5. Lack of information is a major challenge for Governments and regional and international bodies in identifying threats and formulating responses. Organized criminal groups will make every effort to ensure that their operations are difficult to detect and contain. Depending on needs and context, for example, organized criminal groups may maximize the use of technology or employ methods that seek to evade technological scrutiny. Moreover, such groups often employ seemingly legitimate structures and operations to mask their illicit activities. The resulting difficulty in collecting comprehensive information requires enhanced information exchange among States parties on patterns and trends in transnational organized crime, as mandated in article 32, paragraph 3 (b), of the Organized Crime Convention, and improved strategic intelligence capabilities.

6. While modern transnational organized crime has become increasingly borderless and transcends jurisdictions, the responses to the threat often remain contained within national jurisdictions. There is a need for bilateral, regional, multilateral and international law enforcement and judicial cooperation, although challenges remain in effectively implementing such approaches. Responses by Governments must be proactive and holistic and must balance preventive and law enforcement approaches.

7. Organized crime threatens licit economies and undermines development. Organized criminal groups often operate in a grey area between licit and illicit economies, which distorts local economies and shrinks opportunities for legitimate actors to compete in the licit marketplace. Furthermore, the impact of organized crime is increasingly felt at the level of communities and individuals, as illicit funding, corruption and violence challenge existing social structures. Raising awareness, building resilience and reducing the vulnerability of communities to transnational organized crime are, thus, a priority. In doing so, the role of civil society and the private sector is often crucial.

8. Organized criminal groups exploit corruption in all its forms in order to enable and perpetuate their illicit activities. As a consequence, transnational organized criminal groups are able to operate outside the law, often by assisting corrupt public officials to remain in office, which in turn undermines governance, weakens State institutions and perverts the criminal justice system. Addressing the relationship between organized crime, corruption and governance is therefore essential to combating transnational organized crime.

II. Core elements of strategies to counter transnational organized crime

9. Six core elements may be identified as essential in the development and establishment of strategies to counter transnational organized crime at the national, regional or international levels, and in the mainstreaming of responses to transnational organized crime into the work of the United Nations system. Those six elements are found in many existing national strategies to counter transnational organized crime and are guided by the Organized Crime Convention.

10. First, in terms of prevention, threat assessments and the use of diagnostic tools, such as victimization surveys and local safety audits, are essential for obtaining quantitative and qualitative knowledge of the root causes and drivers of engagement in organized crime. They are pre-requisites for preventing crime and provide States with a basis of analytical evidence on which to develop strategies.

11. Second, countering the proceeds of crime is an effective way of countering transnational organized crime, and a strong strategy to combat such crime should contain tools enabling the pursuit and confiscation of criminal assets.

12. Third, cooperation at the domestic level is crucial. It requires collaboration among actors across the political spectrum, as well as with civil society, academia and the private sector, in addition to law enforcement and criminal justice practitioners. At the domestic level, collaboration is necessary not only at the central or federal levels, but also between local actors, and should be based on a multisectoral, multi-agency approach.

13. Fourth, international cooperation, between States and with international actors such as the International Criminal Police Organization (INTERPOL) and within the United Nations system, is vital. It is also crucial to comply with international treaties, such as the Organized Crime Convention, and to seek bilateral, multilateral and regional collaboration. At the operational level, article 18, paragraph 1, of the Organized Crime Convention provides that States parties should afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings.

14. Fifth, cross-sectoral partnerships at the national level are necessary, as transnational organized crime is increasingly linked to the private sector and local communities, for example through the utilization of corporate structures and functions to mask illicit activities or to channel illicit funds. Reponses to transnational organized crime should emphasize building trust and collaborative relationships between the public and private sectors, as well as with civil society.

15. Sixth, as transnational organized crime is constantly evolving and adapting to law enforcement efforts, strategies and legislation need to be constantly assessed and evaluated. That requires the development of an information-gathering and analysis capacity to monitor the drivers, trends, patterns, emerging threats and impacts of organized crime. It also necessitates a continual process of evaluating the applicability of legislative frameworks and responses, in order to eliminate legal gaps exploited by criminal networks. It is necessary for Governments to have a shared basis for evaluation and to employ common indicators at the national,

regional and international levels, including within the United Nations system, in order to support prioritization and lesson-learning.

16. In addition, articles 24 and 25 of the Organized Crime Convention indicate that providing for the protection of victims of transnational organized crime is an essential component of any strategy to combat organized crime. A victim-centred approach is aimed at preventing victimization, revictimization and secondary victimization, as well as providing protection and assistance to victims.

III. Prevention

17. Prevention is essential in curbing organized crime. As preventive action can vary depending on the individual circumstances of a country or region, a necessary first step in any strategy is an organized crime threat assessment. The assessment should include the application of diagnostic tools to identify risk factors, as well as a baseline assessment. An analysis of existing risks within a country is necessary to identify the most significant transnational organized crime threats and to formulate appropriate preventive responses. In parallel, a baseline assessment of preventive measures assists in identifying gaps in law enforcement responses.[2] Such assessments should be repeated regularly to ensure that policies remain relevant to the threats posed by transnational organized crime. The development of strategic intelligence and analysis on transnational organized crime activity and of initiatives designed for vulnerable groups and for the rehabilitation of former perpetrators of organized crime are also important parts of preventive measures.

18. Gaps in intelligence and in analysis of information are major obstacles to formulating an effective response to transnational organized crime. Hence, there is a pressing need for greater strategic intelligence at the national, regional and international levels. Strategic intelligence focuses on the long-term aims of law enforcement agencies and typically involves the review of current and emerging trends in the crime environment and of threats to public safety and order. Moreover, strategic intelligence contributes to the development of programmes to counter organized crime and of possible avenues to effect changes in policies, programmes and legislation.[3] The need for strategic intelligence is recognized in the Organized Crime Convention, in article 28, under which States parties are required to consider analysing, in consultation with scientific and academic communities, trends in organized crime in their territory, the circumstances in which organized crime operates and the professional groups and technologies involved.

19. With regard to deterrence, a number of States have undertaken initiatives that target groups of individuals who are particularly vulnerable to recruitment by organized criminal groups. The rehabilitation of former offenders falls within the scope of article 31 of the Organized Crime Convention, which states that States parties should endeavour to promote the reintegration into society of persons convicted of offences covered by the Convention. Actions recommended under the principle of deterrence and reintegration, as set forth in article 31, include preventing the involvement of at-risk groups; maintaining strong and fair sentencing

[2] For instance, in the Australian national strategy, government resources were aligned with the priority areas of action in order to ensure an effective response.

[3] UNODC, *Criminal Intelligence: Manual for Analysts* (Vienna, 2011).

regimes; and establishing and maintaining effective offender management programmes, including programmes to prevent activities related to transnational organized crime from taking place in penitentiary institutions.

20. An essential first step in preventing the involvement of at-risk groups is providing information to and raising the awareness of those groups about the consequences of engaging in organized crime. In that regard, recommended actions for Governments include, but are not limited to, promoting positive behaviour through social, economic, health and educational measures that embrace a wide range of relevant actors, such as police forces, courts and civil society; taking development-oriented approaches that are geared towards creating sustainable livelihoods; reinforcing the delivery of social services; and promoting good governance and the rule of law.

21. In the context of maintaining strong and fair sentencing regimes, it should be noted that, in order for criminal law regimes to function effectively in the prevention and suppression of organized crime, the negative consequences of engaging in organized crime must outweigh the benefits of doing so. Hence, and in accordance with article 11 of the Organized Crime Convention, criminal sentences must be proportionate to the harm incurred by society, taking into account the gravity of the offence.

22. Another aspect of prevention includes establishing and maintaining effective offender management programmes, including preventing activities related to transnational organized crime from taking place in penitentiary institutions. Preventing prior offenders from further engaging in transnational organized crime requires both effective offender supervision programmes and programmes for their social reintegration and rehabilitation, as well as comprehensive psychosocial services within and outside the penitentiary system. Institutional programming and appropriate re-entry supervision and support should be a priority for the social reintegration of former members of organized criminal groups. Individuals who are socially embedded in organized criminal groups are more likely to continue identifying with their roles within the groups and less likely to alter their identity and behaviour after imprisonment. Gang members and those exposed to the risk of negative peer interaction face a higher probability of reoffending upon release. The majority of gang members have low levels of education and professional qualifications, having typically grown up in marginalized communities with scant employment opportunities. Most standard pre-release programmes appear quite ineffective when applied to gang members. For that reason, specially designed programmes are needed for members of organized criminal groups to address those specific risks.[4]

IV. Countering the proceeds of crime

23. The proactive pursuit of criminal assets plays a crucial role in any strategy to combat transnational organized crime. In article 31 of the Organized Crime Convention, the importance of tracking and confiscating criminal assets is stressed,

[4] UNODC, *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders, Criminal Justice Handbook Series* (Vienna, 2012).

with States parties required, under that article, to endeavour to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime. Recommended measures for effectively pursuing and confiscating criminal assets and preventing their integration into the licit economy are listed below.[5]

24. In accordance with article 7, paragraph 1 (b), of the Convention, each State party should, inter alia, consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering. Such a unit should draw upon the expertise of financial analysts, accountants, market specialists and forensic specialists, and should work to prevent or disrupt criminal involvement in emerging and strategic markets.

25. Strengthening cooperation between relevant national authorities involved in countering the proceeds of crime (such as law enforcement and taxation authorities), and relevant private entities represents an important component in countering the proceeds of crime. In addition to building interdisciplinary expertise and specialized skills under the umbrella of a single financial intelligence unit, other venues for enhanced cooperation between relevant government bodies and with private sector entities should be established and utilized. For instance, efforts to identify and confiscate criminal proceeds may require taxation information, thereby requiring the cooperation of taxation and law enforcement authorities.

26. In accordance with article 12 of the Organized Crime Convention, strategies to counter the proceeds of crime should ensure that strong tools are in place to confiscate criminal assets; such tools should cover conviction-based confiscation and, where possible, non-conviction-based confiscation. Comprehensive legislation and administrative provisions are required to ensure that, once criminal proceeds are identified, they may be frozen, seized, managed and confiscated. Hence, a unit should be established and/or supported that has the power to manage, evaluate, store and sell confiscated assets. Organized criminal groups constantly adapt to new law enforcement efforts to counter the proceeds of crime, finding new means and methods to launder money and access the proceeds. Thus, it is important that efforts in that regard keep pace and reflect developments with respect to the modus operandi of organized criminal groups, such as the use of off-shore accounts and tax havens.

27. In order to counter the proceeds of crime, standards and procedures for relevant professions in the private sector should be developed, as stipulated in article 31 of the Organized Crime Convention. Codes of conduct for relevant professionals, such as lawyers, bankers and accountants, are necessary to prevent their involvement with organized criminal activity. Actions and strategies in that respect should include increasing private sector awareness of organized crime and creating incentives for private sector entities to report indications of organized criminal activity. Further, declassifying select intelligence on transnational organized crime and providing it to relevant partners in the financial sector should be considered in order to foster greater cooperation and generate mutually beneficial outcomes.

[5] The recommendations are based on those contained in the *Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime* (UNODC, Vienna, 2012).

28. The abuse of legal persons, including corporations, by organized criminal groups is another major concern. States need to ensure the establishment of national laws and procedures to prevent abuse and to impose the liability of legal persons, in accordance with article 10 of the Convention.

V. Domestic cooperation

29. The exchange of information at the international level cannot be effective without cooperation at the national level. Transnational organized crime can manifest itself in multiple ways within and across different States, regions, sectors and illicit markets. Therefore, and in order to effectively and comprehensively combat transnational organized crime, a whole-of-government strategy that involves all relevant branches and sections and the criminal justice system is essential. Such a strategy should also provide for strong mechanisms for cooperation. Many existing national strategies either acknowledge the need for greater collaboration among national bodies or set out the State's support for existing bodies and structures. Further efforts in that regard must include both horizontal and vertical action, building synergies between different branches of the national Government and increasing cooperation between different levels of Government; the same principles may also apply mutatis mutandis within the United Nations system.

30. In order to effectively coordinate and harmonize the work of relevant entities, Governments must take the lead in formulating cohesive national strategies.[6] The Government should lead policy development, designating priorities in countering organized crime and ensuring that frameworks are in place to enable collaboration. However, strong governmental leadership should not detract from the independent functioning of law enforcement and other bodies involved in combating and preventing organized crime.

31. The existence, at the national level, of a central entity in the fight against transnational organized crime may be necessary for effective coordination of efforts. Where the establishment of such an institution is not possible, a strong framework, enabling close cooperation, should be established. Generally, most, if not all, existing strategies to combat organized crime provide for strong frameworks to facilitate domestic cooperation. The ubiquity of relevant bodies and frameworks has led to ever stronger calls for the establishment of central organizations and structures to counter organized crime.

32. Frameworks and guidelines for knowledge-sharing, including necessary and adequate data protection checks, are of central importance. Systems that enable the exchange of knowledge among various agencies are necessary to foster cooperation among government bodies. For that reason, it may be necessary to re-examine confidentiality legislation in order to ensure that agencies are able to share intelligence, wherever justified, and within the boundaries of data protection provisions. Owing to competition among various government bodies, actors may at times be unwilling to readily provide information and share knowledge. Hence,

[6] For example, in the Serbian strategy it is stated that the Government, as the epitome of the executive power, directs and harmonizes the work of government administration bodies, and that strong political guidance from the Government and other political entities is a prerequisite to the implementation of strategies to combat organized crime.

cooperation among various agencies should be encouraged and systems should be established to reward cooperation.

33. The efforts and priorities of Governments, at the national level, should be aligned. The primary value of having in place a comprehensive national strategy to counter transnational organized crime is the alignment and prioritization of efforts and resources within and between relevant organizations, as resources may be spread across a number of actions and organizations. The task of aligning all relevant efforts may fall under the purview of a central entity or may form an essential part of the national strategy.[7]

34. Efforts to align and prioritize efforts and resources can be greatly enhanced by strategic analysis to identify the precise threats faced by a country with regard to all forms of organized crime. The production of national serious organized crime threat assessments is a well-established way of creating an evidence-based platform upon which national responses can be based.[8]

35. Combating transnational organized crime cannot be limited to the national level; local stakeholders must also be actively engaged, in particular in cases where law enforcement powers are not wholly within the scope of a single, national authority. At the local level, strong partnerships with State agencies should be built. Close collaboration is paramount among all devolved administrative entities and units engaged in the implementation of a whole-of-government approach to targeting transnational organized crime. That requires Governments to commit greater efforts to ensure close cooperation and the implementation, at all levels, of strategies to counter organized crime.

36. Information should also be shared at all levels, wherever possible, and in accordance with data protection rules, in order to enable local actors to engage in the fight against transnational organized crime, and to encourage close cooperation and a sense of partnership among the various relevant law enforcement bodies. Through the building of knowledge and capacity at both the local and State levels, law enforcement actors will be better equipped to combat organized crime.

37. Furthermore, it is important to ensure that national and regional efforts are supported by local action. While central bodies and agencies may serve as the catalysts for vertical cooperation, local law enforcement and other relevant bodies should ensure support for broader attempts to combat transnational organized crime by providing other law enforcement agencies with all available and relevant information. One strategy to encourage bottom-up support is to establish local and regional units for the purpose of sharing knowledge and encouraging cooperation.

38. Setting shared objectives and priorities that are available to all relevant actors can be helpful. National priorities and objectives should be reinforced among local actors to ensure that resources are deployed as effectively and efficiently as possible

[7] For instance, Australia has developed an organized crime response plan to align efforts that is informed and guided by the national organized crime threat assessment, enabling different agencies to align resources and functions.

[8] For further information and guidance, see the UNODC publication *Guidance on the Preparation and Use of Serious and Organized Crime Threat Assessments: The SOCTA Handbook* (Vienna, 2010).

and aligned with national strategies to comprehensively tackle the most acute country-specific threats.

39. Regardless of the organizational structure of the various law enforcement agencies, certain universal principles apply to their configuration. There is a need for independence from political interference, and cross-cutting expertise should be available across all national agencies charged with combating transnational organized crime.

40. Law enforcement bodies, in particular, require operational independence. A lack of operational independence is one of the most prevalent issues in combating transnational organized crime, especially considering the strong interlinkages between transnational organized crime and corruption. At the same time, the need for operational independence needs to be balanced against a clearly defined role for political leadership, the articulation of national strategic policy and the provision of adequate resources to police. Moreover, the operational independence of the police requires a strong system of police oversight.

41. An operationally independent system can only ever be as effective as the individuals involved. Therefore, an independent system of recruitment, promotion and tenure is necessary to ensure that officers are politically independent and that they act with integrity. Within the United Nations system, measures in that regard include human rights vetting processes.

42. Mirroring the need for a whole-of-government approach to combating transnational organized crime that engages stakeholders from various agencies, law enforcement responses must also be designed to benefit from the cross-cutting expertise of various agencies inside and outside law enforcement, in order to maximize the ability of law enforcement bodies to identify and combat organized crime.[9]

43. It is advisable to establish specialized units and task forces consisting of representatives from various relevant agencies in order to build expertise to address different crime types. Specialized units and task forces may be required to address specific threats and, as noted above, law enforcement capabilities should underpin a whole-of-government approach, drawing on the skills, expertise, knowledge and know-how of various actors and agencies.

VI. International cooperation

44. International collaboration and cooperation are essential for effectively combating organized crime. Actions to encourage international collaboration should ensure that national legislation and regulations are in line with international standards; should include participation in regional and international initiatives and the pursuit of bilateral and multilateral partnerships; and should encompass the exchange of information among States parties to the Organized Crime Convention

[9] This approach has been successfully applied in West Africa under the West Africa Coast Initiative, which has seen the formation of multi-agency transnational crime units comprising staff who are trained and equipped to deal with many of the most serious forms of organized crime.

and engagement with international and regional organizations such as the African Union, the European Union and the Organization of American States.

45. In order to facilitate international cooperation, national legislation and actions need to be aligned with international standards and norms. A number of States have yet to ratify or accede to the Organized Crime Convention and implementation remains an issue in many States parties. Engagement and information exchange within the framework of the United Nations system, specifically within the context of the Conference of the Parties to the Organized Crime Convention, is crucial in order to improve the capacity of all parties to effectively combat transnational organized crime and to promote and review the implementation of the Convention, in accordance with its article 32. Cooperation with regional organizations could also prove beneficial in that regard and would allow insight to be gained into regional challenges and lessons learned.

46. Bilateral, multilateral and international initiatives should be pursued, enhanced and supported; engagement at the level of the United Nations and INTERPOL and relevant regional bodies is essential in that regard. In establishing partnerships, it is important to recognize that the most beneficial alliances may not be regionally based, but dictated by transnational organized crime flows, which might also foster some unconventional partnerships in the fight against transnational organized crime. The Organized Crime Convention provides the legal basis and framework for such partnerships.

47. Coordinated law enforcement action provides for better results; international cooperation should include the coordination of law enforcement efforts among States and specialized international networks and organizations such as INTERPOL, the European Police Office (Europol), the Police Community of the Americas (Ameripol) and the International Association of Chiefs of Police. National law enforcement agencies should participate in and contribute to the work of regional law enforcement mechanisms in order to identify and select suitable investigations. Collaboration through regional networks, such as the Central Asian Regional Information and Coordination Centre (CARICC), the Gulf Criminal Intelligence Centre to Combat Drugs, the joint planning cell of Afghanistan, Iran (Islamic Republic of) and Pakistan, and the Southeast European Law Enforcement Center, leverages the combined strength of individual regional networks and serves to augment law enforcement capacities and capabilities. In accordance with article 19 of the Organized Crime Convention, such collaboration may be supported by the creation of joint investigative bodies by two or more Member States for the purposes of collaborating on specific, complex cases with a transnational dimension.

48. In addition to building formal partnerships, informal partnerships should be formed and enhanced. Member States should seek to foster informal, flexible networks to combat transnational organized crime, a process in which the United Nations plays an important role. By establishing, promoting and employing flexible networks, the expertise and infrastructure of Governments and their law enforcement bodies can be drawn upon to promptly and adequately respond to the constantly evolving dynamics of organized crime.

49. Sharing knowledge with other actors is crucial and should be supported. As with other relationships, sharing intelligence with international partners is pivotal in

building collaborative relationships with foreign partners. Thus, efforts should be made to enhance the exchange of criminal intelligence with other Governments and law enforcement bodies.

VII. Cross-sectoral partnerships

50. In combating transnational organized crime, it is necessary for States to involve the private sector as well. Efforts to build such cross-sectoral partnerships should be two-pronged and should consist of both campaigns to raise public awareness and more formal interactions with relevant actors.

51. Raising public awareness about the hazards, characteristics and manifestations of transnational organized crime figures prominently in national strategies for combating transnational organized crime and is also of great importance within the United Nations system. Public awareness campaigns are also provided for in article 31 of the Organized Crime Convention, in which State parties are required to endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime.

52. Programmes and information campaigns designed to raise public awareness of transnational organized crime should be carried out in a multidisciplinary and evidence-based manner, engaging various relevant entities within their different competencies. Campaigns may include training teachers and school resource officers in order to raise the civic and legal awareness of school children and all others involved in education, and other campaigns could be geared at promoting awareness of the threats posed to communities by transnational organized crime and the consequences for offenders.

53. Successes in combating transnational organized crime, such as the conviction of offenders or the confiscation and/or seizure of illicit goods, should be made public, as they not only build public confidence and trust in law enforcement and public institutions, but also serve to foster future cooperation and cross-sectoral partnerships.

54. The role and potential of the private sector and civil society in preventing and combating transnational organized crime may be significant. Cross-sectoral partnerships between Government, the private sector and civil society are encouraged under article 31 of the Organized Crime Convention and should be an overarching principle in strategies to combat organized crime. Civil society can play a powerful role not only in raising awareness, but also in assisting victims of organized crime. Civil society organizations have enhanced access to communities and the potential for implementing change on the ground, which enable them to effectively campaign and assist victims of organized crime at the grassroots level. Such organizations are also vital actors in building resilience to the negative effects and repercussions of transnational organized crime. Efforts by law enforcement and government agencies to raise public awareness of transnational organized crime should therefore actively engage with and seek to build and enhance partnerships with civil society.

55. The private sector also has a decisive role to play in the prevention and reporting of early manifestations of transnational organized crime. For example, the

private sector is at the forefront in the field of cybersecurity and the protection of individuals from cybercrime. Consequently, clear, transparent and easily accessible reporting mechanisms should be in place for the private sector, as well as civil society, to report indications and manifestations of transnational organized crime.

VIII. Assessment and evaluation

56. Assessing and evaluating legislation and practices to counter organized crime are necessary not only to identify existing shortcomings in legislation and enforcement but also to ensure that future strategies adequately adapt and respond to the evolution and dynamics of transnational organized crime. Moreover, evaluating administrative action allows for the identification of strengths and weaknesses of initiatives to counter organized crime, thus providing valuable insights for the development of future policy and programming in response to evolving threats. That notion is reflected in article 31 of the Organized Crime Convention, in which States parties are required to endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.

57. Strategies to combat organized crime should include an assessment of national legislation and action frameworks to identify deficiencies, especially regarding areas in which national legislation is not aligned with international norms, and areas in which legislation and action plans may be strengthened. Plans should be put in place for periodic assessments in order to ensure legislation keeps up with new developments in organized crime.

58. Legislation also needs to allow for a harmonized and comprehensive response to transnational organized crime. Strong legislation allows for cross-sectoral cooperation without unnecessary impediments to the sharing of information, while observing the boundaries of data protection regulations and guidelines. It also allows for sufficient law enforcement powers to ensure that law enforcement agencies can discharge their responsibilities fully under national strategies.

59. At the same time, post-operational assessment is encouraged in order to evaluate the effectiveness of operations and to improve understanding of how transnational organized networks operate. The knowledge gained from such assessments should be shared with relevant actors. Uniform indicators should be used across government programmes, ideally in line with international standards, in order to more easily compare cross-sectoral action. Assessments should cover the effectiveness and efficiency of the operation and the impact on communities and broader prevention policies.

IX. Transnational organized crime and the United Nations system

60. Responses to transnational organized crime have been mainstreamed into the work of the United Nations system through the establishment of two inter-agency task forces. United Nations departments, offices, funds, agencies and programmes, including UNODC, that span a number of areas of technical expertise are members

of the inter-agency Security Sector Reform Task Force, which provides diverse security sector reform support to national authorities. Moreover, the Task Force develops and promotes an integrated, holistic and coherent United Nations approach to security sector reform. Such an approach includes mainstreaming responses to transnational organized crime into security sector processes, including conflict-prevention strategies, conflict analysis, integrated mission assessment and planning and peacebuilding support, with a view to assisting Member States in their efforts to enforce the rule of law and promote human rights. In addition, the Peacebuilding Commission, which is an intergovernmental advisory body that supports peace efforts in countries emerging from conflict, has recognized the threat of transnational organized crime to the peace and stability of States, particularly in peacebuilding settings, and has mainstreamed the fight against transnational organized crime into its peacebuilding agendas.

61. In March 2011, the Secretary-General established the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability to develop an effective and comprehensive approach to meet those challenges. The focus of the task force is to promote a comprehensive and balanced framework centred on prevention, the rule of law, regional and interregional cooperation, shared responsibility, local and national capacity- and institution-building, public health and the protection of human rights. The task force is co-chaired by UNODC and the Department of Political Affairs of the Secretariat. Taking into account the multifaceted nature of world drug and crime problems, the task force brings together 13 United Nations entities with expertise in human rights, development, gender, youth, peacekeeping, peacebuilding, security and public health, among others. The task force works in close coordination with the Rule of Law Unit in the Executive Office of the Secretary-General and is linked to the Rule of Law Coordination and Resource Group. Recent work by the task force has focused on the production of a set of key messages, aimed at internal and external stakeholders, that highlight the impact of trafficking, organized crime and corruption on security, development and human rights, as well as describing the work of the United Nations to tackle those issues.

X. Recommendations

62. The Conference of the Parties may wish to do the following:

(a) Urge States parties to the Organized Crime Convention to formulate comprehensive and holistic strategies to combat organized crime that are result-oriented and designed to have measurable impacts, and are based on updated strategic threat analyses;

(b) Encourage States parties to submit to UNODC their public policy documents related to the combating of organized crime, for inclusion into the knowledge management portal known as Sharing Electronic Resources and Laws against Organized Crime (SHERLOC);

(c) Request UNODC to formulate a technical assistance tool on formulation of national strategies against transnational organized crime;

(d) Request UNODC to help States identify, assess and respond to emerging or evolving transnational organized crime threats by continuing to develop global analysis of transnational organized criminal activities, in consultation with States and in cooperation with other relevant organizations;

(e) Call upon States parties to mainstream responses to transnational organized crime into security sector reform processes at all levels, particularly in peacebuilding settings.